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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR.	ATTORNEY DOCKET NO.
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09/091,788 09/08/98 ONO

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EXAMINER

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ART UNIT

PAPER NUMBER

3651

25

DATE MAILED:

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Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

## Office Action Summary

Application No. 09/091,788	Applicant(s) Kenji Ono
Examiner Rashmi Sharma	Group Art Unit 3651

Responsive to communication(s) filed on Dec 22, 2000

This action is **FINAL**.

Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle* 35 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

### Disposition of Claim

Claim(s) 1-3 and 5-13 is/are pending in the application.

Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

Claim(s) \_\_\_\_\_ is/are allowed.

Claim(s) 1-3 and 5-13 is/are rejected.

Claim(s) \_\_\_\_\_ is/are objected to.

Claims \_\_\_\_\_ are subject to restriction or election requirement.

### Application Papers

See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

The drawing(s) filed on 3-19-99 is/are objected to by the Examiner.

The proposed drawing correction, filed on 11-15-00 is  approved  disapproved.

The specification is objected to by the Examiner.

The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. § 119

Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

All  Some\*  None of the CERTIFIED copies of the priority documents have been

received.

received in Application No. (Series Code/Serial Number) \_\_\_\_\_.

received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

### Attachment(s)

Notice of References Cited, PTO-892

Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_

Interview Summary, PTO-413

Notice of Draftsperson's Patent Drawing Review, PTO-948

Notice of Informal Patent Application, PTO-152

-- SEE OFFICE ACTION ON THE FOLLOWING PAGES --

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## DETAILED ACTION

### *Drawings*

1. This application has been filed with informal drawings which are acceptable for examination purposes only. Formal drawings will be required when the application is allowed.
2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the removable front wheel portion in claim 3 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

### *Claim Rejections - 35 USC § 112*

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1-13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 1, the first four lines of this claim are redundant.

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Regarding claim 2 line 3, it appears that proper antecedent basis is required for "front wheel portion".

Regarding claim 5, it is unclear as to which direction applicant regards as "reversely turned toward the steerable wheel", which appears to be a relative term. As understood by the examiner, the handle bar could be "reversely turned toward the steerable wheel" in either direction or rotation. Further clarification is required.

Regarding claim 6, the recitation of "a forward run on a back side of the steerable wheel and for a backward run in steerable of the front wheel", appears grammatically incorrect and appropriate correction is required. The recitation of "a back side of the steerable wheel" is still unclear as to exactly which side of the steering wheel the applicant is referring to.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1, 2 and 13 are rejected under 35 U.S.C. 102(b) as being unpatentable by Brown (U.S. patent number 5,010,973).

Brown discloses a self-propelled vehicle with a seat (35), a driving portion (12) and a steering portion (34) comprising at least one steerable wheel and at least one steering handle or

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steering wheel (33) being movable from one side of a hinge point to another, whereby the vehicle is able to run forwards and backwards. Brown also discloses a front wheel portion and a truck portion (10) where the driving portion (12) and the steering portion (34) are disposed at the front wheel portion as recited in claim 2.

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Brown (U.S. patent number 5,010,973).

Brown does not disclose a supporting bar made removable for supporting the operator when in a standing position from behind. It would have been obvious to provide the vehicle of Brown with a support bar since it is within the purview of one having ordinary skill in the art to provide a means for stabilizing an operator when in the standing position.

9. Claim 3, 7, 10 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brown as applied to claims 1 and 2 above, and further in view of Coker (U.S. patent number 5,125,468).

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Brown does not disclose a removable front wheel portion, a seat with arm rests, a self-propelling vehicle maintaining a speed equal to that of the human walking speed, or an electric motor as well as a power supply.

Coker discloses a front wheel portion that is made to be removable with respect to the truck portion (10). Coker teaches of a seat (23) with arm rests (15a and 16a) to seat an operator. Coker also teaches of a self-propelled vehicle maintaining a speed equal to that of walking speed. Coker discloses an electric motor (30) as well as a power supply (12).

It would have been obvious to one of ordinary skill in the art to add the removable truck portion, arm rests on the seat, a motor with a power supply and maintaining of a walking speed of Coker's invention combined with the vehicle of Brown for improving the comfort and of the operator when seated as well as the ease of maneuvering the self-propelled vehicle by an operator.

10. Claims 5, 6 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brown as applied to claim 1, 2 and 13 above, and further in view of Cassano (U.S. patent number 5,346,028).

Brown does not disclose a reversible bar handle, handle stems attached thereto, or two rear wheels at a rear end portion.

Cassano discloses a self propelled vehicle where the steering handle (3) is reversely turned toward the front steerable wheel, handle stems (11) at right angles to the steering handle (4) are arranged at an upper end of a front wheel suspending portion (1) where the handle stems

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(11) are adapted to rise and fall longitudinally. Cassano also discloses one front steerable wheel and two rear drivable wheels.

Cassano does not disclose a driving portion driving the *front* wheel. Since the provision of placing the electric motor to drive the front wheel is within the purview of one of ordinary skill in the art for the purpose of driving the self propelled vehicle. It would have been obvious to one of ordinary skill in the art to combine the features of Brown and Cassano in a self propelled vehicle.

11. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Brown as applied to claim 1, 2, and 13 above, and further in view of Benson et al. (U.S. patent number 2,842,374).

Brown does not disclose a swivelable seat rotatable by 360 degrees.

Benson et al. discloses a seat (48) to turn 360 degrees and to fix the seat at a desired position.

It would have been obvious to one of ordinary skill in the art to modify the vehicle of Brown including a swivel seat fixed at a desired position as taught by Benson in order to permit a more interesting and desired view of the rider and/or operator.

### *Conclusion*

12. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rashmi Sharma whose telephone number is 703-306-5952. The examiner can be reached Monday through Friday 8:30 a.m. to 5:00 p.m.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-30-1113.



JOSEPH E. VALENZA  
PRIMARY EXAMINER